

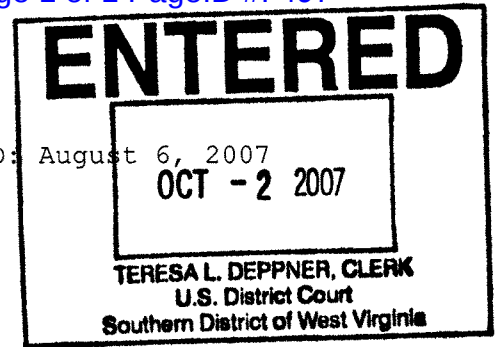
JUDGMENT

FILED: August 6, 2007

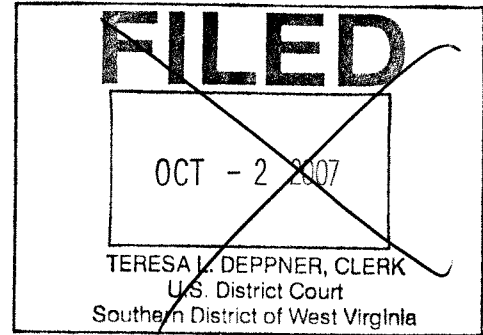
UNITED STATES COURT OF APPEALS

for the

Fourth Circuit



No. 06-7565
3:02-cr-00231
3:04-cv-1001



UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOHN DAVID MOONEY

Defendant - Appellant

Appeal from the United States District Court for the
Southern District of West Virginia at Huntington

In accordance with the written opinion of this Court
filed this day, the Court reverses the district court's order
denying Mooney's motion under 28 U.S.C. Section 2255, vacates the
original judgment of conviction and sentence entered in this case,
and remands this case to the district court with directions to permit
Mooney to withdraw his guilty plea.

A certified copy of this judgment will be provided to the
District Court upon issuance of the mandate. The judgment will
take effect upon issuance of the mandate.

/s/ Patricia S. Connor

CLERK

A True Copy, Teste:

Patricia S. Connor, Clerk

BY *Diane Burke*

Deputy Clerk